

Readopt with amendment Env-Wm 508.01, eff. 8-1-00 (doc.#7333), to read as follows:

Env-Wm 508.01 Small Quantity Generators. In addition to the requirements of Env-Wm 501 through Env-Wm 507 and Env-Wm 510 through Env-Wm 514, small quantity generators shall comply with the specific quantity and storage requirements of Env-Wm 508.02 or Env-Wm 508.03.

Adopt Part Env-Wm 514 to read as follows:

PART Env-Wm 514 SMALL QUANTITY GENERATOR SELF-CERTIFICATION

Env-Wm 514.01 Purpose and Applicability.

(a) The purpose of these rules is to implement RSA 147-A:5, IV relative to self-certification of compliance with applicable hazardous waste rules by small quantity generators (SQGs) of hazardous waste.

(b) The rules in Env-Wm 514 shall apply to each hazardous waste generator that generates less than 220 pounds (100 kilograms) of hazardous waste per month for every month of the SQG's operations.

(c) Nothing in these rules shall eliminate or otherwise affect the obligation of all hazardous waste generators, including SQGs, to comply with all applicable requirements of RSA 147-A and the New Hampshire hazardous waste rules, Env-Wm 110, Env-Wm 211-215, Env-Wm 351 to 353, and Env-Wm 400 to 1100.

Env-Wm 514.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) "Declaration" means a completed self-certification form and any attachments thereto;

(b) "Small quantity generator" (SQG) means a hazardous waste generator that generates less than 220 pounds (100 kilograms) of hazardous waste per month for every month of the SQG's operations; and

(c) "SQG whose declaration is due" means, as specified in RSA 147-A:5, IV(c):

(1) In 2003, 2006, and every third year thereafter, SQGs in Rockingham and Strafford counties;

(2) In 2004, 2007, and every third year thereafter, SQGs in Hillsborough and Cheshire counties; and

(3) In 2005, 2008, and every third year thereafter, SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties.

Env-Wm 514.03 Self-Certification Procedures.

(a) On or before October 1 of each year, the department shall mail a self-certification form and explanatory information to each SQG whose declaration is due.

(b) Subject to (c), below, any SQG whose declaration is due who does not receive a self-certification form by October 10 shall notify the department no later than October 20. Upon receiving notification, the department shall mail a self-certification form and explanatory information to the SQG.

(c) An SQG whose declaration is due may download the self-certification form and explanatory information from the department's web site in lieu of requesting a paper copy from the department.

(d) Each SQG whose declaration is due shall complete the self-certification form provided by the department and return it to the department no later than January 1, together with:

- (1) The fee, if any, specified in RSA 147-A:5, IV(c) through (e);
- (2) A notification form as specified in Env-Wm 504.02; and
- (3) The corrective action plan required by Env-Wm 514.06, if applicable.

(e) Each SQG whose declaration is due shall send or deliver the declaration, corrective action plan, if any, and the applicable fee to:

Department of Environmental Services, Waste Management Division
Attn: SQG Self-Certification Program
6 Hazen Drive
Concord, NH 03301

Env-Wm 514.04 Self-Certification Form: SQG Identification and Description. Each SQG whose declaration is due shall provide the following identifying and descriptive information on the self-certification form for each facility operated by the SQG:

- (a) The facility's business name ;
- (b) The municipality in which the facility is located;
- (c) The facility's EPA identification number;
- (d) How many individuals are employed by the SQG and, if applicable, the number of active shifts and the hours of each shift;
- (e) The name and title of the individual completing the self-certification form on behalf of the SQG, and the individual's daytime telephone number and mailing address if different from the SQG's;

- (f) The date or dates on which the self-certification inspection and file review were conducted;
- (g) The name and mailing address of the owner of the property, if other than the SQG;
- (h) Whether the facility:
 - (1) Generates and accumulates less than 100 kg of hazardous waste per month;
 - (2) Generates less than 100 kg of hazardous waste per month and accumulates up to 1000 kg of hazardous waste;
 - (3) Only generates used oil for recycle;
 - (4) Only generates hazardous waste from parts washers; or
 - (5) Only generates hazardous waste through recovery of precious metals;
- (i) Whether the SQG holds any permits, licenses, certifications, or other indicia of authorization issued by the department or any other state, local, or federal agency or authority relative to:
 - (1) Air emissions;
 - (2) Wastewater discharge; or
 - (3) Solid or hazardous waste management;
- (j) Whether there are any underground storage tanks or aboveground storage tanks at the SQG's current location;
- (k) The SQG's source of water, such as a municipal or community supply or private well;
- (l) How the SQG's wastewater is handled, such as discharged to a municipal sewer or to a septic system;
- (m) Whether the SQG has any industrial discharges to a septic system or drywell;
- (n) Whether the SQG applies any treatment, as defined in Env-Wm 110.01(c)(139), to any wastes on-site and if so, what the treatment comprises;
- (o) Whether the SQG has an elementary neutralization unit as defined in Env-Wm 110.01(c)(38) or a wastewater treatment unit as defined in Env-Wm 110.01(c)(151);
- (p) A description of the SQG's operations, including a description of all processes and procedures which generate hazardous waste;
- (q) The total amount of hazardous waste generated monthly for the past 12 months; and
- (r) How the hazardous waste determination required by Env-Wm 502.01 was done.

Env-Wm 514.05 Self-Certification of Compliance.

(a) Subject to Env-Wm 514.06, each SQG whose declaration is due shall verify through appropriate inspections and record reviews that the SQG is in compliance with the following provisions if applicable to the SQG's operations:

- (1) Env-Wm 504.02 relative to filing a declassification form if the SQG has ceased hazardous waste activities at the location identified on the SQG's original notification form;
- (2) Env-Wm 507.01 relative to storage requirements;
- (3) Env-Wm 507.02 relative to storage time requirements;
- (4) Env-Wm 507.03 relative to labeling containers and tanks containing hazardous waste and shipping hazardous waste off-site;
- (5) Env-Wm 508.02 relative to quantity of storage and preparedness and prevention;
- (6) Env-Wm 508.03 relative to extended storage;
- (7) Env-Wm 510.01 through Env-Wm 510.06 relative to manifests;
- (8) Env-Wm 511.01 relative to delivery of hazardous wastes to an authorized facility;
- (9) Env-Wm 512.01 relative to maintaining records;
- (10) Env-Wm 512.02 relative to quarterly reporting and paying generator fees;
- (11) Env-Wm 512.03 relative to exporting hazardous waste;
- (12) Env-Wm 513.01 relative to reporting discharges of hazardous waste;
- (13) Env-Wm 803.05 relative to documenting a claim of recycling of hazardous wastes; and
- (14) Env-Wm 1100 relative to requirements for universal waste management.

(b) The completed self-certification form shall be signed and dated by the owner or other senior executive official of the SQG.

(c) The signature of the SQG's owner or other senior executive official shall constitute:

- (1) An affirmation that the information provided and other statements made on the self-certification form is correct and complete to the best of the individual's knowledge and belief;

- (2) An affirmation that the individual signing the form is familiar with the rules listed in (a), above, and with the SQG's operations and procedures with respect to hazardous waste at the facility covered by the declaration; and
- (3) An acknowledgment that RSA 641:3 provides criminal penalties for making false or otherwise misleading statements with a purpose to deceive a public servant in the performance of official duties.

Env-Wm 514.06 Corrective Action Plan.

- (a) If at the time the report is due the SQG is not in compliance with one or more of the provisions identified in Env-Wm 514.05(a), the SQG shall prepare a corrective action plan and submit it in lieu of certification for each such provision.
- (b) For each instance of non-compliance, the corrective action plan shall identify:
 - (1) The provision with which the SQG is not in compliance;
 - (2) The action(s) the SQG has taken or will take to come into compliance;
 - (3) The schedule on which the corrective action(s) will be implemented, or if the corrective actions have already been completed, the date of completion; and
 - (4) The procedures adopted by the SQG to prevent a recurrence of the non-compliance.
- (c) The corrective action plan shall also specify the date by which all corrective actions shall have been completed, which shall be as soon as practicable but in no event later than 90 days from the date the declaration is due.
- (d) The SQG shall file the corrective action plan with the declaration as specified in Env-Wm 514.03.
- (e) If a corrective action is not complete at the time the declaration is filed, the SQG shall submit a certification of completion to the department within 30 days of completing the corrective action.

Appendix

Rule Section	Statute Implemented
Env-Wm 508.01	RSA 147-A:5, IV
Env-Wm 514.01 – 514.06	RSA 147-A:5, IV